(1) Ur 152 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

Single Bench

MISELLANEOUS APPEAL NO. - 527 **OF 2006**

(MEMORANDUM OF APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLES ACT, 1988)

APPELLANT
NON APPLICANT – Foolchand Sethiya , S/o Kiratmal Sethiya aged about 60 years, R/o - Jawahar Nagar, Near Sitaram Mandir, Raipur, District – Raipur (C.G.)

VERSUS

RESPONDENTS
CLAIMANTS

1. Maniram S/o Sonadhar, aged about 43 years, caste- Kalar

2. Smt. Jayati W/o Maniram, aged about 42 years.

Both R/o- Village Kalar Para Ghotpal, Block- Geedam, Tehsil & District - South Baster Dantewada (C.G.)

P.R. No. 704/B/6
Presented by Shri S. Tamrakar
dated 20/2/07

NON APPLICANTS
NON-CLAIMANTS

1. Mahaveer Jain, S/o Nemichand Jain aged about 34 years, R/o- Near Danteshwari Petrol Pump, Main Road, Geedam, Tehsil & District- South Baster Dantewada (C.G.)

(Owner of Vehicle bearing registration No. MP 25/6771)

2. Chaitan Das S/o Baldev Das (Wrongly mentioned in rejection order as Baldu Das) , R/o - Behind the State Bank, Beside of Girls Hostel, Pathanpara Road, Geedam, Tehsil & District- Dantewada (C.G.)

(Driver of Vehicle bearing registration No. MP 25/6771)

3. Parasmal Duggad , S/o Late Lunkaram Duggad, aged about 52 years , R/o- Near State Bank, Main Road, Geedam, Tehsil and District- Dantewada (C.G.)

(Driver of Vehicle bearing registration No. MP 23/B 1871)

(2)

(4)

MEMORANDUM OF APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLES ACT, 1988

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

M.A.No.527/06

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	25-4-2006 Mr. Shivendu Pandya, learned counsel for the appellant. Heard on admission. The appellant has preferred this appeal against the order dated 28-11-2005 (Annexure A/1) passed by learned Additional Motor Accidents Claims Tribunal, Dantewada in Claim Case No.76/2005 and by which interim compensation for a sum of Rs.50,000/- has been awarded to the claimants, and the appellant and the owner of the colliding vehicle have been held jointly and severally liable. Learned counsel for the appellant submits that on the date of accident, the appellant had transferred the vehicle involved in the accident. However, the new owner of the vehicle has not been arrayed as a non-applicant and even then the Claims Tribunal has fastened the liability of interim compensation on the appellant. I have heard learned counsel for the appellant. Taking into consideration that by the instant order only the application for interim compensation has been adjudicated, it is open for the appellant to raise all his grievances before the Claims Tribunal and the same may be decided after evidence is adduced by the respective parties during trial. Thus, there is no force in the instant appeal and the same is liable to be dismissed and is accordingly dismissed. In the light of above order, M.(C.)P.No.672/2006, an application for grant of stay, stands dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

Gopal